

# **EXHIBIT 129**

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

----- )  
DONNA CURLING, et al., )  
Plaintiffs, ) Case No.  
vs. ) 1:17-cv-2989-AT  
BRAD RAFFENSPERGER, et al., )  
Defendants. )  
----- )

REMOTE DEPOSITION OF MATTHEW MASHBURN  
NOVEMBER 4, 2021

REPORTED BY: Tina Alfaro, RPR, CRR, RMR

1 of multiple different considerations. Security 10:33:29

2 is -- security is one of them. 10:33:36

3 Q. Understood. 10:33:40

4 Would you support the use of an election 10:33:43

5 system that could be hacked in a few minutes by a 10:33:45

6 voter in the voting booth? 10:33:48

7 A. I would not -- I would -- I would want to 10:34:01

8 see the data on -- on how that could be done, but 10:34:05

9 generally hacking is not a good idea. It's 10:34:10

10 something that you'd like to -- like to oppose, but 10:34:18

11 I'd like -- I'd have to see the particular 10:34:21

12 circumstances. If it could be hacked in a -- in a 10:34:23

13 courtroom under artificial circumstances, that's 10:34:30

14 very different than being hacked in the wild. 10:34:33

15 Q. But from your answer is it -- am I 10:34:42

16 understanding correctly that you would not support 10:34:45

17 an election system that could be hacked in a few 10:34:48

18 minutes by a voter in the voting booth? 10:34:51

19 MS. JOHNSON: (Inaudible) taking 10:34:56

20 Mr. Mashburn's opinion in his personal capacity. 10:34:56

21 He's here in his capacity as a member of the State 10:35:01

22 Board of Elections, but you can answer. 10:35:07

1           A. You would want to avoid a system that           10:35:08  
2           could be hacked by a random person in the wild.           10:35:12

3           Q. Are you familiar with BMD's?           10:35:16

4           A. Sure.           10:35:21

5           Q. Do you know how they work?           10:35:22

6           A. Yes. I just used one the other day.           10:35:23

7           Q. What company manufacturers the BMD's?           10:35:28

8           A. I don't know.           10:35:31

9           Q. What company does the State of Georgia           10:35:35  
10          have a contract with that provides the BMD's to the           10:35:42  
11          State of Georgia?           10:35:45

12          A. I don't know.           10:35:46

13          Q. Are you familiar with Dominion?           10:35:52

14          A. I've heard -- I've heard of them, yes.           10:35:55

15          Q. Are you aware that the State of Georgia           10:36:00  
16          has contracted with Dominion for Dominion to           10:36:03  
17          provide BMD's to the State of Georgia?           10:36:07

18               MS. JOHNSON: He stated he wasn't aware           10:36:11  
19          who the State of Georgia had a contract with. You           10:36:17  
20          can answer.           10:36:19

21          A. Yeah, I don't know who the contract's           10:36:20  
22          with.           10:36:22

1 both the QR codes and the human readable text could 10:41:06  
2 be altered? 10:41:12

3 MS. JOHNSON: (Inaudible.) 10:41:16

4 THE REPORTER: I'm sorry. I couldn't hear 10:41:17  
5 you, Melanie. 10:41:19

6 MS. JOHNSON: Object to form and lack of 10:41:20  
7 foundation. 10:41:22

8 A. Well, spec- -- all right. Ask me the 10:41:23  
9 question again, please. Just repeat the question. 10:41:29

10 Q. Would you support the use of an election 10:41:36  
11 equipment that could be hacked in such a way that 10:41:40  
12 both the QR codes and the human readable text could 10:41:43  
13 be altered? 10:41:47

14 MS. JOHNSON: Objection. You can answer. 10:41:49

15 A. If it was a theor- -- if it was a 10:41:53  
16 theoretical possibility, it would just depend on a 10:41:57  
17 lot of other factors, but you have the voter who 10:41:59  
18 checks it. So it would be really strange to have a 10:42:04  
19 system that alters it before the voter looks at it 10:42:09  
20 and the voter doesn't know -- none of the voters 10:42:16  
21 that look at it notice. That just would -- I just 10:42:19  
22 can't -- I just can't anticipate that that could be 10:42:22

1 possible. 10:42:26

2 Q. How about a system -- sorry. Strike that. 10:42:28

3 So just going back on your previous 10:42:50

4 answer, you noted that you couldn't anticipate that 10:42:51

5 it would be possible, but regardless of whether you 10:42:56

6 can anticipate that it's possible, let's assume it 10:43:02

7 is possible. Would you support the use of an 10:43:09

8 election equipment that could be hacked in such a 10:43:12

9 way that both QR codes and human readable text 10:43:17

10 could be altered? 10:43:20

11 MS. JOHNSON: Object to form, misstates 10:43:21

12 his prior testimony, lack of foundation, and 10:43:23

13 relevance. 10:43:27

14 A. Yeah. I just -- I don't think it's 10:43:27

15 possible to have a system where you hack and none 10:43:30

16 of the voters who review their ballots don't catch 10:43:32

17 that it's -- that it's switched. The voters are 10:43:35

18 too concerned about their votes. We had so many 10:43:38

19 questions about calibrations on the DRE's, the 10:43:42

20 voters were all over it. So I can't support or -- 10:43:49

21 or oppose a system that's just not possible. 10:43:55

22 Q. Understood. 10:43:58

1           You testified a few minutes earlier that           10:44:00  
2           you understood that only -- initially only the QR       10:44:02  
3           codes are tabulated and not the human readable       10:44:08  
4           text, correct?                                       10:44:11

5           A. The scanner reads the QR codes, correct.       10:44:14

6           Q. Okay. So would you support the use of           10:44:19  
7           election equipment that could be hacked in such a       10:44:22  
8           way that only the QR codes are altered but the       10:44:26  
9           human readable text shows the voter's intent?       10:44:32

10          MS. JOHNSON: Same objection.                   10:44:39

11          A. If I knew -- if I knew that it was           10:44:45  
12          possible -- if I knew it was happening -- scratch   10:44:48  
13          that.   10:44:52

14          If I knew it was possible to do that, that       10:44:53  
15          would not be a system that I support. I would want   10:44:55  
16          to know -- I would want to know more information as   10:45:04  
17          to how somebody's marketing a system that that       10:45:07  
18          could happen. How did that -- how did that meet       10:45:10  
19          the request -- how did that meet the proposal,       10:45:14  
20          request for proposals.                               10:45:17

21          Q. Understood.                                   10:45:20

22          As a member of the State Election Board do       10:45:24

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1 A. Yes. 11:31:23

2 Q. Do you know who those experts are? 11:31:23

3 A. No. 11:31:26

4 Q. Have you discussed the retention of 11:31:32

5 experts in this litigation with members of the 11:31:35

6 State Election Board? 11:31:40

7 A. Not to my knowledge. 11:31:44

8 Q. So how did you become aware that experts 11:31:45

9 have been retained by both parties in this 11:31:48

10 litigation? 11:31:52

11 A. I think I read it in an Atlanta Journal 11:31:52

12 article. 11:31:57

13 Q. And so do you know who the experts are 11:32:03

14 that have been retained? 11:32:07

15 A. No. 11:32:11

16 Q. Are you familiar with Alex Halderman? 11:32:12

17 A. No. 11:32:14

18 THE REPORTER: What was the last name, 11:32:17

19 Tamara? 11:32:18

20 MS. WIESEBRON: Halderman, 11:32:19

21 H-A-L-D-E-R-M-A-N. 11:32:20

22 THE REPORTER: Thank you. 11:32:23



1 Q. And so you're not aware that he provided 11:32:28  
2 an expert report in this litigation? 11:32:32

3 A. No. No. Sorry to have interrupted you. 11:32:34  
4 I apologize, but no. 11:32:39

5 Q. All right. 11:32:46

6 And do you -- so you're not aware that he 11:32:54  
7 is a cybersecurity expert? 11:32:57

8 A. I don't know him. 11:33:00

9 Q. Okay. And would you be interesting -- 11:33:04  
10 interested to find out what is in his expert 11:33:10  
11 report? 11:33:14

12 MS. JOHNSON: Object to form. You can 11:33:17  
13 answer. 11:33:18

14 A. If I -- yeah. If I knew who he was and I 11:33:20  
15 knew if he had anything relevant, sure. I'm always 11:33:24  
16 up to reading anything I can -- anything I can read 11:33:27  
17 to educate myself. 11:33:31

18 Q. And so you mentioned earlier that you're 11:33:40  
19 not familiar what this case is about? 11:33:45

20 A. Not offhand, no. 11:33:50

21 Q. And have you discussed this case with 11:33:53  
22 other State Election Board members? 11:33:57

1           A. Not that I particularly recall this case.   11:34:03  
2           We do have executive sessions where counsel comes   11:34:06  
3           in and briefs the board on pending litigation, but   11:34:10  
4           we've been sued a lot. So this case doesn't stand   11:34:15  
5           out in my mind.   11:34:23

6           Q. Got it.   11:34:25

7           And have you personally discussed this   11:34:26  
8           case with anyone?   11:34:28

9           A. No particular conversations come -- come   11:34:31  
10          to mind. I suspect that if somebody came and said,   11:34:34  
11          hey, I talked to you about this, I wouldn't have   11:34:43  
12          any information to dispute them, but I don't recall   11:34:45  
13          any particular conversations about this particular   11:34:48  
14          case other than I talked to the lawyer yesterday or   11:34:51  
15          the day before that I was having a deposition.   11:34:56

16          Q. Do you know anything about the serious   11:35:02  
17          vulnerabilities that Mr. Halderman found?   11:35:07

18          MS. JOHNSON: Object to form. You can   11:35:11  
19          answer.   11:35:12

20          A. I don't know anything about Halderman.   11:35:13

21          Q. Would you be interested to know what those   11:35:21  
22          serious vulnerabilities are?   11:35:25

1 MS. JOHNSON: Same objection. 11:35:28

2 A. Sure. If he's -- if he's -- if it's a 11:35:28

3 credible person who has relevant information, I 11:35:32

4 would be interest- -- always interested to hear it. 11:35:35

5 We get a lot of crackpots, but if he's -- if 11:35:38

6 he's -- if he's wise and has good data, I'm always 11:35:41

7 interested to hear it. 11:35:45

8 Q. Do you know whether the State Election 11:35:53

9 Board or anyone from the Secretary of State's 11:35:56

10 office has done anything to remedy the 11:36:01

11 vulnerabilities pointed out by Mr. Halderman? 11:36:05

12 MS. JOHNSON: Same objection. 11:36:10

13 A. I wouldn't know. 11:36:10

14 Q. Are you aware -- 11:36:12

15 A. I mean, if -- if I don't know about him, I 11:36:13

16 don't know about his recommendations, I wouldn't 11:36:17

17 know that I was instituting his recommendations, 11:36:20

18 but we might have instituted something of his 11:36:23

19 recommendations without me knowing it was 11:36:26

20 attributable to him. So it's hard to -- hard to 11:36:28

21 know. Or he might have had the same idea as 11:36:30

22 someone else. You never know. 11:36:39

1 Q. Are you aware that Plaintiffs have asked 11:36:40  
2 the Secretary of State's office to provide a 11:36:42  
3 proposal to allow the Secretary of State and State 11:36:46  
4 Election Board members to have access to some or 11:36:52  
5 all of Mr. Halderman's sealed report? 11:36:54

6 MS. JOHNSON: Same objection. 11:37:00

7 A. I don't know -- I don't know anything 11:37:00  
8 about Mr. Halderman. 11:37:02

9 Q. Would you want to have been advised as a 11:37:12  
10 member of the State Election Board that a professor 11:37:14  
11 in cybersecurity has written a report about the 11:37:22  
12 vulnerabilities of -- 11:37:26

13 MS. JOHNSON: Same objection. 11:37:29

14 Q. -- Georgia's system? 11:37:29

15 MS. JOHNSON: I apologize. Same 11:37:30  
16 objections. 11:37:33

17 A. Yeah. If I -- if I knew the person's 11:37:36  
18 background and knew whether they were credible and 11:37:39  
19 what their theories were. There's a lot of 11:37:44  
20 professors writing a lot of stuff. So, you know, 11:37:46  
21 it would depend. 11:37:50

22 Q. But admittedly, someone that has a Ph.D. 11:37:55

1 has some expertise in the area of cybersecurity, 11:38:00

2 right? 11:38:07

3 A. I mean, there's a lot of crackpots that 11:38:09

4 have Ph.D.'s writing a lot of stuff about election 11:38:14

5 law out there. 11:38:17

6 Q. Like who? 11:38:20

7 A. A guy named Bonifaz out in Ohio somewhere 11:38:23

8 comes -- springs to mind immediately. 11:38:28

9 Q. All right. 11:38:37

10 A. Wrote a book about how the election was 11:38:37

11 stolen from John Kerry in Ohio. 11:38:40

12 Q. Got it. 11:38:47

13 Are you aware that the Secretary of State 11:38:50

14 has hired their own experts in this litigation? 11:38:52

15 A. I think I read that from the same Atlanta 11:38:58

16 Journal article, but I would assume so. 11:39:03

17 Q. All right. Are you familiar with Dr. Juan 11:39:04

18 Gilbert? 11:39:08

19 A. No. 11:39:08

20 Q. And so are you familiar with the work he 11:39:13

21 has done in this case? 11:39:16

22 A. No. 11:39:17

1 Q. So you would not know whether the 11:39:19  
2 Secretary of State's expert actually disputes the 11:39:25  
3 presence of vulnerabilities found in Alex 11:39:29  
4 Halderman's report, right? 11:39:35

5 MS. JOHNSON: Objection, form. You can 11:39:37  
6 answer. 11:39:38

7 A. Yeah. I don't know what their 11:39:39  
8 contentions -- I don't know what either person's 11:39:41  
9 contentions are. 11:39:44

10 Q. Would you want to find out whether 11:39:45  
11 Dr. Gilbert disputed the presence of the 11:39:47  
12 vulnerabilities that Mr. Halderman found? 11:39:51

13 A. The same limitations as on the previous 11:39:56  
14 person. If they're -- if they're a wise person 11:39:59  
15 with good experience and useful knowledge, sure, 11:40:02  
16 I'm always up for more information rather than 11:40:06  
17 less. 11:40:10

18 Q. Has the State Election Board ever had a 11:40:14  
19 cybersecurity expert examine the BMD election 11:40:17  
20 system? 11:40:23

21 A. Not that -- not that comes to my mind. It 11:40:25  
22 could have been, but doesn't come to my mind. 11:40:28

1 recount that took place in the November 2020 11:52:49

2 election to take place in all future contests? 11:52:52

3 A. It really -- it depends -- it depends. We 11:52:59

4 don't have but two elections -- two major 11:53:03

5 elections, the primary and the general -- well, 11:53:07

6 three now, the runoff, and so it's going to really 11:53:10

7 depend. You might have a presidential race that's 11:53:14

8 10 points, 12 points, and you might have a 11:53:18

9 governor's race that's 300 votes. So you would 11:53:21

10 recount the governor -- you might recount the 11:53:25

11 governor's race instead of the presidential race. 11:53:30

12 So it's going to really depend -- excuse me -- but 11:53:33

13 the level of scrutiny is not going to -- is not 11:53:35

14 going to diminish. 11:53:38

15 Q. Okay. 11:53:39

16 And you mentioned earlier that the 11:53:42

17 Secretary of State explained to you that they 11:53:47

18 did -- how they did the audit; is that right? 11:53:50

19 A. No. He reported to me that the audit -- 11:53:55

20 the hand count and the machine tally were similar. 11:53:58

21 Q. Okay. And can you explain in more detail 11:54:02

22 how they figure that out? 11:54:06

1           A. No. He just came to me and said we've -- 11:54:09  
2           we've done the full recount and the results are 11:54:12  
3           similar. 11:54:16

4           Q. Okay. But you know -- you've testified 11:54:17  
5           earlier that the machine -- the votes that are 11:54:21  
6           tabulated by the machine are reflected in the QR 11:54:27  
7           code, right? 11:54:36

8           A. That's the way I understand it, yes. 11:54:36

9           Q. And now you're testifying that the audit 11:54:38  
10          counted the human readable version of the receipt, 11:54:40  
11          right? 11:54:44

12          A. Yeah. What I watched down in Fulton, they 11:54:45  
13          compared what the humans counted to what the 11:54:50  
14          machine counted. 11:54:52

15          Q. Right. And how do they do that? 11:54:56

16          A. They threw dice, they cut the stack of 11:54:59  
17          ballots, they counted those ballots, and they ran 11:55:03  
18          it through the machine and they compared whether 11:55:10  
19          they were the same or not. And they said there was 11:55:12  
20          some kind of tolerance that it was allowed to be 11:55:17  
21          within 1 percent or something and it was some 11:55:20  
22          fraction of that, like 1/10th of 1 percent was the 11:55:23



1 difference. So it was well within the tolerances. 11:55:26

2 That's all I remember. 11:55:30

3 Q. But do you know -- 11:55:38

4 A. And -- go ahead. 11:55:40

5 Q. Okay. Do you know whether they compared 11:55:41

6 each single paper ballot to the machine-recorded 11:55:45

7 ballot? 11:55:53

8 MS. JOHNSON: Object to form. 11:55:55

9 A. Yeah. My recollection was they did them 11:55:56

10 in batches. 11:55:58

11 Q. Okay. So just to clarify, you did not 11:56:04

12 hear from the Secretary of State that they compared 11:56:08

13 every single paper ballot to that same single 11:56:13

14 machine-recorded ballot, right? 11:56:19

15 A. Yeah. I would have -- I would have 11:56:23

16 thought that would have been a very time-consuming 11:56:25

17 waste of time to run each ballot individually 11:56:28

18 through the machine. I would think that would take 11:56:32

19 forever. 11:56:36

20 Q. Understood. 11:56:39

21 Let's see. Okay. Are you aware that 11:56:45

22 malware could be introduced to BMD machines through 11:57:01

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1           A. But they never have explained what that       12:47:40  
2           meant. I always ask them what do you -- what do       12:47:42  
3           you mean by that, and no one's been able to tell       12:47:44  
4           me.   12:47:46

5           Q. And you mentioned earlier that you               12:47:47  
6           assist -- that you witnessed at least part of the       12:47:49  
7           Fulton County recount for a primary race. Was       12:47:53  
8           any --   12:47:58

9           A. I think --   12:47:59

10          Q. I'm sorry?   12:48:00

11          A. I think it was the primary.                       12:48:01

12          Q. Okay. What you think was a primary race,       12:48:03  
13          do you recall if any other State Election Board       12:48:07  
14          member was there with you?                               12:48:11

15          A. I was the only one.                                   12:48:14

16          Q. Okay.    12:48:22

17                 And so when discussing the -- the rules       12:48:24  
18          about recount procedure do you recall whether you       12:48:33  
19          discussed whether individual ballots should be       12:48:39  
20          compared to the machine-casted ballot?               12:48:44

21          A. That sounds like something I would have           12:48:55  
22          recalled if it came up just because it's so           12:48:57

1 preposterous, but I don't recall it coming up. I 12:49:00

2 would have recalled it if it came up because I 12:49:04

3 would have had a very adverse reaction. 12:49:06

4 Q. Okay. So fair to say that in any audits 12:49:10

5 that took place while you were on the State 12:49:20

6 Election Board the audits did not check the QR code 12:49:26

7 against a human readable selection for each ballot 12:49:30

8 during the audit? 12:49:36

9 MS. JOHNSON: Object to form. You can 12:49:38

10 answer. 12:49:39

11 A. Correct. I've only seen it done in 12:49:40

12 batches, and it only makes sense to me to do it in 12:49:42

13 batches. 12:49:46

14 Q. Understood. We can take the exhibit down 12:49:47

15 or at least you can stop looking at it if you want. 12:49:57

16 Is privacy important to you as a State 12:50:06

17 Election Board member? 12:50:10

18 A. Super critical. 12:50:13

19 MS. JOHNSON: Object to form. You can 12:50:14

20 answer. 12:50:16

21 THE WITNESS: I'm sorry. Super critical. 12:50:16

22 Q. Have you heard -- 12:50:19

CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC

I, TINA M. ALFARO, Registered Professional Reporter, Certified Realtime Reporter, and Notary Public, the officer before whom the foregoing deposition was taken, do hereby certify that the foregoing transcript is a true and correct record of the testimony given; that said testimony was taken by me stenographically and thereafter reduced to typewriting under my direction; that reading and signing was requested; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 17th day of November, 2021.

My Commission expires October 31, 2025.

*Tina M. Alfaro*

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NOTARY PUBLIC IN AND FOR THE  
DISTRICT OF COLUMBIA